

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

FEB 7 - 1997

In the Matter of)

)
 Replacement of Part 90 by Part 88 to)
 Revise the Private Land Mobile Radio)
 Services and Modify the Policies)
 Governing Them)

PR Docket No. 92-235

and)

)
 Examination of Exclusivity and)
 Frequency Assignment Policies of)
 the Private Land Mobile Radio Services)

To: Private Wireless Division,
 Wireless Telecommunications Bureau

**COMMENTS OF THE AMERICAN AUTOMOBILE ASSOCIATION
 WITH RESPECT TO INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.
 TECHNICAL BLUEPRINT FOR FREQUENCY USE LIMITATIONS**

The American Automobile Association ("AAA"), by its attorney, submits the following comments with respect to the Technical Blueprint for Frequency Use Limitation in the Post-refarming Environment recently filed with the Commission by the Industrial Telecommunications Association, Inc. (ITA).¹

AAA, and its affiliates, operate an extensive fleet of emergency road service vehicles providing emergency roadside assistance to motorists throughout the country. Because of the danger to the motorist stranded on a busy highway, little traveled back road, or high crime area. AAA is directly responsible for protecting life and property. Indeed, a number of

¹ See Public Notice, Mimeo No. DA 97-206, released January 28, 1997.

AAA clubs and affiliates are tied directly into the local 911 system for emergency calls. AAA is also the FCC-recognized frequency coordinator for the Automobile Emergency Radio Service (AERS). It coordinates frequencies for all entities for licensing in the AERS.

The ITA filing states that the blueprint is simply a recitation of existing frequency limitations, except that ITA has made certain assumptions regarding the consolidation of the radio services. Principally, ITA assumes that in the post-consolidation environment, there will exist only two frequency pools: a public safety pool, for police, fire and other emergency services, and a private wireless pool, which would include all other private land mobile services.

The ITA proposal for a two-pool allocation would be completely unacceptable, and AAA has already filed comments in this regard with the Commission. Those comments are incorporated herein by reference. Furthermore, ITA's assertion that the blueprint is essentially a recitation of existing limitations is erroneous. AAA has found that ITA's blueprint makes several important changes to the existing limitations on the frequencies used for emergency road service operations, without any explanation.

For example, the VHF AERS frequencies currently contain a prohibition against use of the frequencies aboard aircraft. See FCC Rule Sections 90.95(a)(1), (d)(4) and (d)(5). This prohibition has been deleted in the ITA plan without explanation.

Section 90.423 of the Commission's Rules contains restrictions on use of land mobile frequencies aboard aircraft designed to limit interference. But this is not the same as excluding such use. Due to the safety nature of the service, AAA submits that maintaining the aircraft use exclusion is important to the safety of the tow truck operators on a busy highway.

Similarly, the VHF frequencies reserved for assignment to tow truck operators² (rather than the auto clubs) contain a restriction limiting assignment to only one frequency of the group in any area. This restriction has been eliminated in ITA's plan and should be retained.

Also, the frequency 150.9725 MHz, currently available for auto club use, is listed in the ITA plan as a primary oil spill frequency. No explanation is provided for this reallocation of the frequency to another use; nor have the consequences of the resulting frequency congestion and interference been considered.

Finally, the UHF offset frequencies 452.4375, 452.5625, 452.5875 and 452.6125 MHz currently permit low power (2 watt) telemetry operations. This also is not included in the ITA blueprint. AAA believes that few auto clubs have a need for low power telemetry, but Commission's rules should not be changed in this manner without adequate notice or explanation of the basis for the rule change.

² These frequencies are 150.815, 150.8225, 150.830, 150.8375, 150.845, 150.8525, 150.860, 150.8675, 150.875, 150.8825, 150.890 and 150.8675, as well as the group 158.470, 157.4775, 157.485, 157.4925, 157.500, 157.5075, 157.515 and 157.5225 MHz. See Rule Sections 90.95(d)(3) and (6).

AAA appreciates ITA's efforts to move the consolidation issue along for decision by the Commission. Nevertheless, it disagrees with ITA on the benefits of a two pool consolidation scheme and it urges the Commission to reject ITA's two pool consolidation proposal. As shown in the AAA's comments, the Commission should retain the current pools, or should reclassify the Automobile Emergency Radio Service as either part of a land transportation pool,³ or as a "quasi-public safety" operation (similar to those services proposed for inclusion in the "public service" pool by the UTC). AAA and its affiliates use their frequencies in direct cooperation with police and fire departments, as well as highway maintenance systems, to protect lives and property. AAA thereby saves the Federal, state and local governments untold resources, by focusing their emergency response efforts.

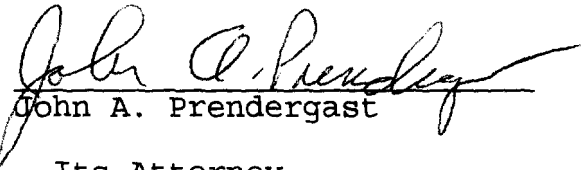
Regardless of which consolidation plan is adopted by the Commission, it is vital that the Commission retain the current

³ AAA is concurrently participating in comments filed with the Coalition of Industrial and Land Transportation Radio Users, which propose a land transportation pool.

provisions for frequency use discussed above, that have been eliminated in the ITA blueprint.

Respectfully submitted,

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Dated: February 7, 1997

CERTIFICATE OF SERVICE

I, Eugene Maliszewskyj, an employee of the Law Offices of Blooston, Mordkofsky, Jackson & Dickens, certify that a copy of the foregoing comments was mailed this 7th day of February 1997, by United States first class mail, postage prepaid, to the following:

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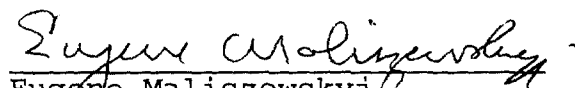
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